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Film Corporation

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

FELIX CEDENO

Plaintiff,

V.

20TH CENTURY FOX FILM CORP..

ONE AMERICA PRODUCTIONS INC.

ONE AMERICAN PRODUCTIONS
AND LARRY CHARLES

Defendants.

DECLARATION OF BONNIE I. BOGIN IN SUPPORT OF MOTION TO

DISMISS OF DEFENDANT TWENTIETH CENTURY FOX FILM CORPORATION

I, **BONNIE I. BOGIN**, declare as follows:

1. I am an Assistant Secretary of defendant Twentieth Century Fox Film

Corporation (incorrectly sued herein as “20th Century Fox Film Corp.”) (“Fox”), and submit this

declaration on behalf of Fox. I have personal knowledge of the facts set forth in this Declaration

and, if called as a witness, could and would testify competently to such facts under oath. I

submit this Declaration in support of Fox's Motion to Dismiss the Amended Complaint pursuant

to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. Fox is a corporation incorporated under the laws of the State of Delaware, with its

principal place of business in California.

3. The amended complaint ("Complaint") filed by plaintiff Felix Cedenro ("Plaintiff"), stems from Plaintiff's alleged appearance in the film *Borat – Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan* (the "Film"). As shown on the DVD of the Film (a true copy of which is annexed hereto as Exhibit A), the Film tells the fictional story of Borat Sagdiyev ("Borat"), a Kazakh TV personality, who is dispatched to the United States to report on the American people.

4. In the Complaint, Plaintiff complains of a brief sequence (the "Sequence") in the Film in which Borat is riding in a New York City subway car with a suitcase. During the Sequence, the suitcase opens, and a live chicken jumps out and runs rampant in the subway car. Plaintiff claims he appears in the Film during one frame of the Sequence wearing a white tee shirt. Plaintiff alleges that he is depicted reacting to the chicken in the subway car.

5. Fox distributed the Film, which was first released in theaters in the United States on or about November 3, 2006, and was released on DVD in the United States on March 6, 2007. The Sequence as it appears in the Film is the same as it appears on the annexed Exhibit B.

6. Upon information and belief, the two other named defendants, One America Productions, Inc. and Larry Charles, have not been served with the Complaint.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct and that this Declaration was executed in Los Angeles, California on October 11, 2007.


BONNIE I. BOGIN